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09/703,243	11/01/2000	Carl J. Sinfeld	QMI.5802.1	2616

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EXAMINER

ART UNIT	PAPER NUMBER
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DATE MAILED: 05/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Notification of Non-Compliance  
With 37 CFR 1.192(c)**

Application No.

09/703,243

Examiner

Marc Jimenez

Applicant(s)

SINFELD, CARL J.

Art Unit

3726

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

The Appeal Brief filed on 23 February 2004 is defective for failure to comply with one or more provisions of 37 CFR 1.192(c). See MPEP § 1206.

To avoid dismissal of the appeal, applicant must file IN TRIPLICATE a complete new brief in compliance with 37 CFR 1.192(c) within the longest of any of the following three **TIME PERIODS**: (1) **ONE MONTH or THIRTY DAYS** from the mailing date of this Notification, whichever is longer; (2) **TWO MONTHS** from the date of the notice of appeal; or (3) within the period for reply to the action from which this appeal was taken. **EXTENSIONS OF THESE TIME PERIODS MAY BE GRANTED UNDER 37 CFR 1.136.**

1. ☒ The brief does not contain the items required under 37 CFR 1.192(c), or the items are not under the proper heading or in the proper order.
2. ☐ The brief does not contain a statement of the status of all claims, pending or cancelled, or does not identify the appealed claims (37 CFR 1.192(c)(3)).
3. ☐ At least one amendment has been filed subsequent to the final rejection, and the brief does not contain a statement of the status of each such amendment (37 CFR 1.192(c)(4)).
4. ☒ The brief does not contain a concise explanation of the claimed invention, referring to the specification by page and line number and to the drawing, if any, by reference characters (37 CFR 1.192(c)(5)).
5. ☒ The brief does not contain a concise statement of the issues presented for review (37 CFR 1.192(c)(6)).
6. ☒ A single ground of rejection has been applied to two or more claims in this application, and
  - (a) ☒ the brief omits the statement required by 37 CFR 1.192(c)(7) that one or more claims do not stand or fall together, yet presents arguments in support thereof in the argument section of the brief.
  - (b) ☐ the brief includes the statement required by 37 CFR 1.192(c)(7) that one or more claims do not stand or fall together, yet does not present arguments in support thereof in the argument section of the brief.
7. ☒ The brief does not present an argument under a separate heading for each issue on appeal (37 CFR 1.192(c)(8)).
8. ☐ The brief does not contain a correct copy of the appealed claims as an appendix thereto (37 CFR 1.192(c)(9)).
9. ☒ Other (including any explanation in support of the above items):

Regarding item 4. above, there are no references to the specification by page and line number and to the drawing by reference characters. Furthermore, a concise explanation of the claimed invention is not contained under this section of the brief (under the heading "V. SUMMARY OF INVENTION") because the prior art is described rather than what the claimed invention is directed to. Regarding item 5. above, The basis of the alleged unpatentability needs to be stated, e.g., "Whether claim 5 is anticipated under 35 U.S.C. 102(b) in view of Galli" and "Whether claims 6-8 are unpatentable under 35 U.S.C. 103 over Galli in view of Applicant's Admitted Prior Art (AAPA)". Regarding item 6. above, there is no statement under the heading "VII. GROUPING OF THE CLAIMS" in the brief whether the claims do not stand or fall together. Furthermore, the argument section of the brief does not present arguments in support of whether the claims do not fall or stand together. Note that merely pointing out differences in what the claims cover is not an argument as to why the claims are separately patentable. Regarding item 7. above, there are no separate headings for each issue on appeal. Appellant is reminded that a new appeal brief must be filed IN TRIPLICATE. Appellant is also requested to carefully review MPEP 1200 and 37 CFR 1.192(c) to ensure that the appeal brief is in the correct order.

*J. CARL*  
Am 3726